

## REMARKS

The August 16, 2007, Advisory Action rejected applicant's request for reconsideration, and the rejections and objections to the claims set forth in the June 8, 2007, final Office Action (hereinafter "Office Action") were sustained. Applicant respectfully traverses the rejections of the pending claims and requests continued examination.

In response to the Office Action, applicant has amended Claims 1, 2, 5, 8, 13, 14, 17, 20, 25, 26, 31, 35-37, and 41-43. Claims 1-28 and 30-48 remain pending in this application. Applicant has carefully considered the issues raised in the Office Action and requests reconsideration and allowance of the claims in view of the remarks set forth below.

### Rejections Under 35 U.S.C. § 103(a)

#### Independent Claims 1, 13, 25, and 35

The Office Action rejected independent Claims 1, 13, 25, and 35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,374,300, issued to Masters (hereinafter "Masters") in view of U.S. Patent No. 6,772,333, issued to Brendel (hereinafter "Brendel"). Applicant respectfully traverses these rejections.

The Office Action recited various portions of Masters, in view of Brendel, as applying to the features of the claims. Applicant respectfully submits that neither Masters nor Brendel teach or suggest receiving a *data stream* containing a first information and *creating* one or more packets in the manner claimed in Claims 1, 13, 25, and 35.

Masters describes a load-balancing system consisting of a front-end server array controller and a back end collection of server nodes. Masters, Fig. 1B. The server node in Masters creates an HTTP message, breaks it into packets, and sends the packets to the server array controller. Masters, Fig. 6B. The server array controller then performs additional processing on the already created packets before resending them to the client. *Id.* Masters, therefore, teaches away from the present application. In the present application, a first computing device receives a data stream (as opposed to "data packet(s) containing the HTTP

response" as cited in the Office Action) and creates one or more packets (as opposed to the server array controller, which "rewrites the data packet(s) containing the HTTP response" as cited in the Office Action).

Further, Brendel describes a load-balancing system consisting of a front-end load balancer and a back end collection of server nodes. Brendel, Fig. 9. In Brendel, the load balancer assigns a client connection to a server based on information contained in the client request. Brendel, Fig. 8. The application software on the server then communicates directly with the client, bypassing further processing by the load balancer. Brendel, Fig. 9. This also teaches away from receiving a data stream containing a first information, and then creating one or more packets as claimed, since once the HTTP message is created by the server node in Brendel, it is directly formed into packets and sent to the client without further processing by the load balancer.

Since neither Masters nor Brendel teach receiving a data stream containing first information and creating one or more packets as claimed, applicant submits that withdrawal of the 35 U.S.C. § 103(a) rejection of Claims 1, 13, 25, and 35 is merited.

Dependent Claims 31, 37, 42, and 43

The Office Action rejected Claims 31, 37, 42, and 43 as being unpatentable over Masters in view of Brendel, and in further view of U.S. Patent No. 6,453,360, issued to Muller et al. (hereinafter "Muller"). Rejected Claim 31 depends from Claim 25. Rejected Claim 37 depends from Claim 35. Rejected Claim 42 depends from Claim 1. Rejected Claim 43 depends from Claim 13. Applicant submits that these claims are allowable at least by virtue of these dependencies. Applicant further submits that these claims are allowable because neither Masters, Brendel, nor Muller disclose a first computing device that is an intelligent network interface card.

The Office Action conceded that the combination of Masters and Brendel does not teach a first computing device that comprises an intelligent network interface card. Office Action,

paragraph 4. Muller discloses a high performance network interface for receiving a packet from a network and transferring it to a host computer system. Muller, Abstract. Muller does not disclose or suggest an intelligent network interface card configured to receive a data stream containing first information that has been formed according to application software instructions; independent of the application software instructions, to form second information for causing a second computing device to perform an operation; in response to receiving the data stream containing the first information, to execute protocol stack instructions to create one or more packets that include at least the first and second information; and output the one or more packets to the second computing device. In fact, Muller teaches away from the claimed subject matter, as Muller describes a network interface for optimizing inbound network traffic, whereas the present application involves processing outbound information before sending it to a separate computing device.

Since neither Masters, Brendel, nor Muller teach a first computing device that is an intelligent network interface card, applicant submits that withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 31, 37, 42, and 43 is merited.

Dependent Claims 2-12, 14-24, 26-28, 30, 32-34, 36, 38-41, 44-48

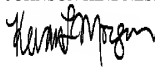
Rejected Claims 2-12 and 45 depend from Claim 1. Claims 14-24, 47, and 48 depend from Claim 13. Claims 26-28, 30, 32-34, and 44 depend from Claim 25. Claims 36 and 38-41 depend from Claim 35. Applicant submits that these claims are allowable at least by virtue of these dependencies, as well as by virtue of the other claim elements set forth therein. Accordingly, applicant submits that Claims 2-12, 14-24, 26-28, 30-34, and 36-48 are patentable over the cited prior art and respectfully requests withdrawal of the rejection of these claims under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Accordingly, applicants request that Claims 1-28 and 30-48 be allowed. If the Examiner has any questions regarding this application, he is invited to call the undersigned counsel at the telephone number listed below.

Respectfully submitted,

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